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SUBJECT: EX-MILITIA MEMBERS KILLED IN CLASH WITH EAST TIMOR BORDER
POLICE

REF: A) 2003 BANGKOK 2164, B) 2005 DILI 25, C) 2005 DILI 599

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¶1. (U) Summary: Three alleged members of 1999-era anti-independence militias were shot dead by officers of East Timor's Border Patrol Unit (BPU) on Friday, January 6. One of the three, Jose Mausorte, was a prominent member of the Halilintar militia and had been accused of involvement in several killings during 1999 and subsequently in violent cross-border incursions, including an incident in 2003 in which militia members killed two people. At least one of the other two men killed also appears to have been a member of Halilintar.

According to East Timorese officials, five militia members had crossed the border illegally and were confronted by four BPU officers attempting to arrest them. They then attacked the BPU and in the ensuing struggle a BPU officer shot and killed three, while two others escaped. The version of the events conveyed by the Indonesian Embassy in Dili differs markedly, claiming that the five were only present in the border area to fish, that the BPU used excessive force, and that at least two of the killings happened on the Indonesian side of the border. Based on the information currently available, it is highly unlikely that the alleged militia members were in the area only to fish, and the accounts of their attack on the BPU officers are consistent and credible. However, it also appears that the use of deadly force by the BPU officers may have been unnecessary and/or excessive. According to sources in the border area, the situation is now calm and communications between the BPU and the Indonesian military (TNI) are normal. End summary.

¶2. (SBU) On Friday, January 6, BPU officers patrolling the border near Tunubibi junction point near Maliana shot and killed three alleged members of a 1999-era anti-independence militia who had reportedly crossed into East Timor illegally and who the BPU claimed violently resisted arrest. The BPU officers involved reported the following sequence of events to a United Nations police advisor (UNPOL) investigating the incident:
--- Four BPU officers on patrol near Tunabibi in the Maliana area of the border saw footprints and decided to investigate them. Following the footprints, they came upon three men who started running when they saw the BPU officers. The BPU officers pursued them until they reached a small body of water where the three stopped and turned to fight.
--- Two of the suspects attacked one BPU officer, hitting him with rocks and cutting his hand with a machete. When he lost

consciousness they seized his rifle, but in the process dropped the magazine into the water.

--- Meanwhile the third suspect, identified as Jose Mausorte, had attacked another BPU officer and pinned him down. He was pushing the officer's head into the water and reaching for the officer's rifle, which subsequently released a shot that hit no one. The officer being attacked shouted to his two remaining colleagues to shoot Mausorte.

--- One of the two standing BPU officers, identified as Martinho Lelo Mali, then shot Mausorte in the side.

-- The other two suspects, with the rifle they had seized, then began running toward the river approximately 50 meters away. The BPU officers commanded them to stop and fired warning shots, at which point the suspects turned around and one of them aimed the rifle at the officers. Officer Mali then fired and hit both of them. (The rifle wielded by the suspects was the one with the missing magazine, but the BPU officers claimed that one round remained in the firearm.)

-- When the three fallen men were checked, they were all found to be dead.

13. (SBU) A United States UNPOL stationed in Maliana went to the scene of the incident several hours later as part of the follow on investigation to interview the officers involved and review the evidence. Items found belonging to the dead men were two machetes and a couple of sacks of corn. According to the UNPOL, the three bodies did not appear to have been moved and their locations and their wounds were consistent with the BPU officers' description of the events. The UNPOL did, however, express concern about the fact that four armed officers were unable to detain three lightly armed men without using deadly force.

14. (U) A source at the United Nations-East Timor Serious Crimes Unit (SCU) confirmed that two of the men killed were investigated by the SCU in connection with crimes committed in 1999. Jose Mausorte in particular was investigated in connection with an April 1999 incident where attacks on a village by the Guntur Mera Putih and Halalintar militias

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resulted in three deaths. Mausorte was also a suspect in two violent cross-border incidents in 2003 and 2005 (see Reftels A and B). In the 2003 incident, a group of about 10 militia members attacked a bus and killed two people, and one of the attackers told UN investigators that his group was one of several that had been sent into East Timor as part of a co-ordinated effort to commit crimes and destabilize the country (see Reftel A). Mausorte was one of six "most wanted" suspects whose pictures are posted at all BPU posts. Mausorte's wife and five children reside in Cailaco, a village near where the 2005 incident took place, so he was also believed to have made frequent cross-border trips for which at least one motive was to visit his family.

15. (U) East Timor's Foreign Minister Jose Ramos-Horta called a meeting of chiefs of diplomatic missions in Dili this morning to provide a briefing on the incident. Ramos Horta turned the briefing over to Foreign Ministry Director-General Nelson Santos, who is familiar with this area of the border in his capacity as East Timor's lead negotiator in the ongoing effort to demarcate the border with Indonesia. Santos gave an account quite similar to the BPU version set forth in paragraph 2. He added that the group of suspects originally consisted of five people, of whom two escaped across the border to Indonesia. Santos also said that the BPU members had seen one of the suspects drop or throw a home-made pistol into the river. Responding to reports in the Indonesian press that the men had crossed over into East Timor only to fish, Santos said it was impossible to fish in the river at this time of year because heavy rains have made the current too swift and filled the river with mud and floating debris.

16. (U) Two Indonesian diplomats in attendance at the Foreign Ministry briefing then forcefully presented a very different version of the incident. According to a printed chronology of

the events that they distributed at the meeting, the three who were killed were part of a group of five "former citizens of East Timor" who were on the Indonesian side of the border and had gone there to fish in the river that runs along the border. Only one of the party crossed into East Timor in order to pick corn. The remaining four then heard shots fired from across the border, prompting two of them to flee. The Indonesian chronology does make reference to one of the men killed having seized an officer's weapon, but it notes the loss of the magazine and claims that the other two were shot while running away. The Indonesian diplomats argued angrily that this incident constituted a violation of human rights. They also said that early East Timorese accounts of the incident had claimed there was a gunfight between the two sides, which everyone now seems to agree did not happen, and they claimed that when they had asked Antonio DaCosta, the commander of East Timor's BPU, about the incident he had responded that the BPU would "kill everyone who trespasses the border." Finally, they said that the incident was a violation of East Timor President Xanana Gusmao's alleged promise to ex-militia members that he would guarantee their safety if they returned to East Timor (see Reftel C) and implied that the alleged promise and the subsequent attack on the alleged fishermen may have been part of a scheme. (Note: the Indonesian Embassy officer who took the lead in this presentation, Police Colonel Minton Mariaty, is a "police liaison" officer who has been known for some time to maintain close contacts with the leaders of militia or ex-militia organizations based in West Timor.)

17. (U) Reiterating a Government of Indonesia demand that had been reported in press accounts, the two Indonesian diplomats presented a letter calling upon the East Timorese authorities to conduct a joint investigation with Indonesian security forces. Ramos Horta immediately agreed to the joint investigation proposal, saying that he had already discussed the idea with Prime Minister Alkatiri.

18. (U) The Indonesian diplomats also urged that the bodies of the two diplomats be returned to West Timor today. Timorese Foreign Ministry representative Santos responded that the bodies could not be returned until after autopsies had been done. Indonesian police Col. Mariaty responded that there were 18,000 persons of East Timorese origin in West Timor, many of whom were very angry and were demanding that the bodies be returned. She said it would be in the best interest of all sides for the autopsy to be completed today and the bodies returned to West Timor immediately. East Timor police officials said later today

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that Jose Mausorte's body would be turned over to his wife in East Timor and that the other two bodies would probably be returned soon, although not today, to the decedents' families in West Timor.

19. (U) Comment: While the Indonesian diplomats' claim that the group was just "former citizens of East Timor" on a fishing trip seems most unlikely, their complaint that excessive force was used may well be valid. Embassy Dili will continue to monitor developments related to this incident, including the ongoing UN investigation and information on the medical condition of the injured BPU officer who is now in Dili Hospital, and will report further on any developments of interest. End comment.

REES